

**2) Babbitt's Letter to McCain Was Drafted  
as a Flat Denial that Babbitt Invoked  
Ickes's Name**

Babbitt's conduct in connection with the drafting of his letter to McCain demonstrates that his testimony to the effect that he did not intend to mislead McCain was less than candid. Babbitt knew he was the only person who could respond to McCain's question about his conversation with Eckstein. Babbitt knew about the Eckstein affidavit sometime after it was filed, and had discussed the Eckstein meeting with someone at DOI in connection with the filing of the civil lawsuit. Babbitt also was familiar with the controversy created by the Wall Street Journal article and McCain's July 19 letter, which he either saw or discussed with someone at Interior, or both. Indeed, Babbitt knew the controversy stemmed from his conversation with Eckstein because he told a DOI staffer after receiving McCain's letter but before the response that "it shows you not to say things in front of people."<sup>846</sup>

Yet by his own acknowledgment, Babbitt provided the drafters of the letter with no information regarding Eckstein's allegation except a blanket denial that he spoke to Ickes about Hudson. Babbitt does not recall a discussion with anyone about any specifics of his conversation with Eckstein in order to draft a response to the McCain letter; he states only that he "must have said to someone" that Eckstein's version is "incorrect."<sup>847</sup> Not surprisingly, one of the initial

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<sup>846</sup>OIC Beller Int. at 2.

<sup>847</sup>Babbitt G.J. Test., July 7, 1999, at 219. No Interior witness testified to having any conversation with Babbitt about his July 14 conversation with Eckstein in connection with drafting the letter to McCain or at any time before that event, except Solicitor Leshy. Leshy said that he is reasonably sure he discussed the Eckstein conversation with Babbitt while drafting the McCain letter, but Leshy cannot recall that discussion. He has no recollection of learning that Babbitt had actually invoked Ickes until October 1997.